

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2008-OHIO-1592

NASAL, PROS. ATTY., APPELLANT, v. DOVER, APPELLEE.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Nasal v. Dover*, Slip Opinion No. 2008-Ohio-1592.]

Certified question answered and court of appeals' judgment affirmed on the authority of Hyle v. Porter.

(Nos. 2006-2220 and 2006-2311 — Submitted March 12, 2008 — Decided April 9, 2008.)

CERTIFIED by and APPEAL from the Court of Appeals for Miami County,
No. 2006-CA-9, 169 Ohio App.3d 262, 2006-Ohio-5584.

{¶ 1} The certified question is answered in the affirmative and the judgment of the court of appeals is affirmed on the authority of *Hyle v. Porter*, 117 Ohio St.3d 165, 2008-Ohio-542, ___ N.E.2d ___.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR, LANZINGER, and CUPP, JJ., concur.

O'DONNELL, J., dissents.

SUPREME COURT OF OHIO

Gary A. Nasal, Miami County Prosecuting Attorney, and James R. Dicks Jr., Assistant Prosecuting Attorney, for appellant.

Marc Dann, Attorney General, Stephen P. Carney, Deputy Solicitor, and Frank M. Strigari, Assistant Attorney General, urging reversal for amicus curiae Attorney General of Ohio.
